

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

BART GILLEY,

Plaintiff,

v.

No. 2:22-cv-679 GJF/KRS

SANTIAGO MARTINEZ GUTIERREZ,  
and TRIDENT OILFIELD SERVICE, LLC,

Defendants.

**ORDER TO SHOW CAUSE**

**THIS MATTER** comes before the Court *sua sponte*. Plaintiff initiated this action on September 15, 2022. (Doc. 1). Defendant Trident Oilfield Services, LLC filed an answer to the Complaint on October 6, 2022. (Doc. 4). The docket reflects that on September 15, 2022, a summons was issued as to Defendant Santiago Martinez Gutierrez, but no answer or other responsive pleading has been filed by that Defendant. Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff is required to serve all Defendants within ninety days of filing the complaint. In addition, Rule 41(b) of the Federal Rules of Civil Procedure authorizes the Court to dismiss an action *sua sponte* for failure to prosecute. *See Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003); *see also* D.N.M. LR-Civ. 41.1 (“A civil action may be dismissed if, for a period of ninety (90) calendar days, no steps are taken to move the case forward.”). More than ninety days have passed since Plaintiff took any step to move this case forward as to Defendant Santiago Martinez Gutierrez.

**IT IS THEREFORE ORDERED** that **on or before January 17, 2023**, Plaintiff must provide the Court with a written explanation showing good cause why this case should not be dismissed as to Defendant Santiago Martinez Gutierrez for failure to prosecute.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style. The first name "Kevin" is written in a smaller, more compact script, while the last name "Sweazea" is written in a larger, more expansive script with a long, sweeping tail on the final letter.

---

KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE